

SANTA FE COUNTY
APR 27 2009
SHERIFF'S OFFICE

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
IN THE DISTRICT COURT

BILLY HENDRICKS,
Plaintiff,

v.

NO.: CV 2009-660-8

CORRPRO COMPANIES, INC.,
Defendant.

To: CT Corporation System
123 East Marcy Street, Suite 201
Sante Fe, New Mexico 87501

SUMMONS

GREETINGS: You are hereby directed to serve a pleading or motion in response to the Complaint within thirty (30) days after service of the Summons, and file the same, all as provided by law.

You are notified that, unless you so serve and file a responsive pleading or motion, the Petitioner will apply to the Court for the relief demanded in the Petition.

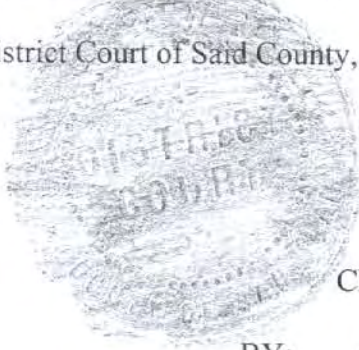
Attorney for Petitioner/Plaintiff:

D. ZANE SWANK
TITUS & MURPHY
2021 E. 20th Street
Farmington, NM 87401
(505) 326-6503

WITNESS the Honorable Karen L. Townsend, District Judge of Said Court of the State of New

Mexico and Seal of the District Court of Said County, this 24th day of April, 2009.

(SEAL)



WELDON J NEFF

CLERK OF THE DISTRICT COURT

BY:

[Signature]

The District Court complies with the Americans with Disabilities Act. It is counsel's or a pro se party's obligation to notify the Clerk of the Court at least five (5) days before any hearing of the anticipated attendance of a disabled person so that the appropriate accommodations can be made. The Court must be notified as to the appropriate type of accommodation which will be necessary. Additionally, it is counsel's or a pro se party's obligation to notify the Clerk of the Court at least five (5) days in advance of any hearing for which a non-English language interpreter will be required.

Exhibit B

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
IN THE DISTRICT COURT

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

2009 APR 24 AM 10 11

SANTA FE COUNTY
APR 27 2009
SHERIFF'S OFFICE

BILLY HENDRICKS,
Plaintiff,

v.

NO.: CN 2009-660-8

CORRPRO COMPANIES INC.,
Defendant.

COMPLAINT

COMES NOW the Plaintiff, by and through his attorney, D. Zane Swank, The Titus & Murphy Law Firm, and for his Complaint STATES:

1. Plaintiff is a resident of San Juan County, New Mexico.
2. Plaintiff was a regular, full-time, hourly employee with CORRPRO Companies, Inc. from May 2, 2007 through January 24, 2009.
3. Defendant conducted business in San Juan County, New Mexico during the term of Plaintiff's employment.
4. Plaintiff was hired by Defendant in San Juan County, New Mexico.
5. During the course of Plaintiff's employment, Defendant failed to pay Plaintiff overtime compensation in the amount of \$10,278.69 with interest.
6. During the course of Plaintiff's employment, Defendant reclassified Plaintiff's position without cause and reduced his hourly rate by approximately \$5.98 per hour.
7. Plaintiff alleges damages due to reclassification without cause in the amount of \$8,132.80 with interest.
8. On February 25, 2009, Plaintiff made a demand for payment in the amount of

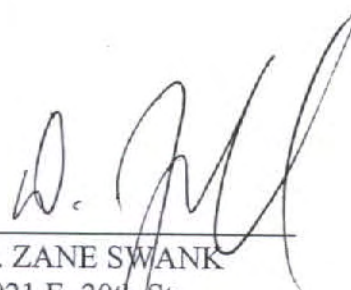
\$9,552.06, attached hereto as Exhibit "A" and incorporated herein by this reference.

9. Copies of the spreadsheets summarizing Plaintiff's claim are attached hereto as Exhibit "B" and incorporated herein by reference.

10. Defendant has failed to comply with demand for payment and Plaintiff is therefore entitled to recover the balance owed, interest accruing at the rate of 24% per annum, together with reasonable attorney's fees and costs incurred herein.

WHEREFORE, Plaintiff requests Judgment against Defendant in the amount of \$18,411.49, together with interest accruing at the rate of 24% per annum, reasonable attorney's fees and costs incurred herein, and for such other and further relief as the Court deems just and proper.

TITUS & MURPHY



D. ZANE SWANK
2021 E. 20th St.
Farmington, NM 87401
(505) 326-6503

TITUS & MURPHY

LAW FIRM

INJURY CLAIMS

Auto • Oilfield • Work Comp

CRIMINAL DEFENSE

Felonies • Traffic • DUI

VICTOR A. TITUS
H. STEVEN MURPHY
D. ZANE SWANK



February 25, 2009

PLEASE REPLY TO:
2021 E. 20th Street
Farmington, NM 87401
Telephone: (505) 326-6503
Facsimile: (505) 326-2672

To: Mr. William V. Larkin, Jr.
President and CEO
CORRPRO Companies, Inc.
1800 Augusta Drive, Ste 300
Houston, TX 77057

RE: UNPAID OVERTIME COMPENSATION FOR OUR CLIENT BILLY HENDRICKS

Mr. Larkin:

Please accept this letter as Notice of Demand for payment of unpaid overtime compensation on behalf of our client and your former employee Mr. Billy Hendricks.

Our records indicate that between May 5, 2007 and April 30, 2008 Mr. Hendricks worked at least 14 hours of overtime and was not compensated for it. This amounts to an unpaid balance of approximately \$9,552.06.

The non-payment for these overtime hours violates both your published human resources policies and the Fair Labor Standards Act, 29 U.S.C. §§ 201-219.

Please remit payment within ten (10) days of receipt of this letter.

TITUS & MURPHY

D. Zane Swank, Esq.

Also contact us at:

Albuquerque Office:
3416 Delano Ave. NE
Albuquerque, NM 87106
Telephone: (505) 255-1250
Facsimile: (505) 326-2672

web address: www.titusmurphyfirm.com

Phoenix Office:
8987 E. Gail Road
Scottsdale, AZ 85260
Telephone: (480) 657-7605
Facsimile: (480) 326-2672

EXHIBIT

A

Unpaid OT - 6/2007 - 12/2007

CIVIL COMPLAINT
BILLY HENDRICKS /
CORRPRO

Page 1 of 2 for 2007

Date	Hours Worked	OT Hours Worked	OT Due	OT Paid	OT Accrued Balance
5/3/2007	8	4	206.28	0	206.28
5/14/2007	8	1	51.57	0	257.85
5/15/2007	8	2	103.14	0	360.99
5/16/2007	8	1	51.57	0	412.56
5/17/2007	8	2	103.14	0	515.7
5/18/2007	8	2	103.14	0	618.84
5/21/2007	8	1	51.57	0	670.41
5/22/2007	8	2	103.14	0	773.55
5/26/2007	8	8	412.56	0	1186.11
6/1/2007	8	2	103.14	0	1289.25
6/5/2007	8	1	51.57	0	1340.82
7/16/2007	8	1	51.57	0	1392.39
7/17/2007	8	2	103.14	0	1495.53
7/18/2009	8	2	103.14	0	1598.67
7/19/2007	8	1	51.57	0	1650.24
7/30/2007	8	1	51.57	0	1701.81
8/13/2007	8	2	103.14	0	1804.95
8/14/2007	8	3	154.71	0	1959.66
8/15/2007	8	4	206.28	0	2165.95
8/16/2007	8	2	103.14	0	2269.08
8/28/2007	8	4	206.28	0	2475.36
9/11/2007	8	1	51.57	0	2526.93
9/12/2007	8	1	51.57	0	2578.5
9/14/2007	8	1	51.57	0	2630.07
9/24/2007	8	3	154.71	0	2784.78
9/25/2007	8	3	154.71	0	2939.49
9/26/2007	8	5	257.85	0	3197.34
9/27/2007	8	2	103.14	0	3300.48
10/10/2007	8	2	103.14	0	3403.62
11/7/2007	8	2	103.14	0	3506.76
11/11/2007	8	4	206.28	0	3713.04
11/12/2007	8	3	154.71	0	3867.75
11/13/2007	8	2	103.14	0	3970.89
11/14/2007	8	4	206.28	0	4177.17
11/15/2007	8	2	103.14	0	4280.31

Exhibit B



Unpaid OT - 6/2007 - 12/2007

CIVIL COMPLAINT
BILLY HENDRICKS /
CORRPRO

Page 1 of 2 for 2007

Date	Hours Worked	OT Hours Worked	OT Due	OT Paid	OT Accrued Balance	
11/16/2007	8	4	206.28	0	4486.59	
11/18/2007	8	4	206.28	0	4692.87	
11/19/2007	8	6	309.42	0	5002.29	
11/20/2007	8	2	103.14	0	5105.43	
12/11/2007	8	2	103.14	0	5208.57	
12/12/2007	8	2	103.14	0	5311.71	
12/13/2007	8	2	103.14	0	5414.85	
TOTALS	336	105	5414.85	0	5414.85	

Exhibit B

Difference in OT Pay After Reclassification

CIVIL COMPLAINT
BILLY HENDRICKS /
CORRPRO

Page 1 of 2 for 2008 2009

Date	Hours Worked	OT Hours Worked	OT Due	OT Paid	OT Due Balance	OT Accrued Balance
1/5/2009	8	1	51.57	42.60	8.97	825.54
1/7/2009	8	2	103.14	85.20	17.97	843.51
1/9/2009	8	2	103.14	85.20	17.97	861.48
1/11/2009	8	8	412.56	340.80	71.76	933.24
1/12/2009	8	2	103.14	85.20	17.97	951.21
1/15/2009	8	3	154.71	127.80	26.91	978.12
1/16/2009	8	2	103.14	85.20	17.97	996.09
TOTALS	320	112			996.09	996.09

Exhibit B

**CIVAL COMPLAINT
BILLY HENDRICKS / CORRPRO**

WAGES LOST DUE TO RECLASSIFICATION OF POSITION

Employment with Corrpro: May 2, 2007 – January 24, 2009

Date: May 2, 2007 – May 31, 2008

Position: Senior Corrosion Specialist

Starting Salary: 71,500.00 = 34.38 / hr

Date of position reclassification: June 1, 2008 - January 24, 2009

Reclassified Position: Corrosion Specialist I

Salary: 54,528.00 = 28.40 / hr

Difference in hourly rate: 5.98

Worked 34 weeks after reclassification

Wages lost per week (34 wks x 40hr work week: 239.20

Total wages lost in 34 weeks = 8132.80

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
IN THE DISTRICT COURT

BILLY HENDRICKS,
Plaintiff,

v.

CORRPRO COMPANIES INC.,
Defendant.

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

2009 APR 24 AM 10 11

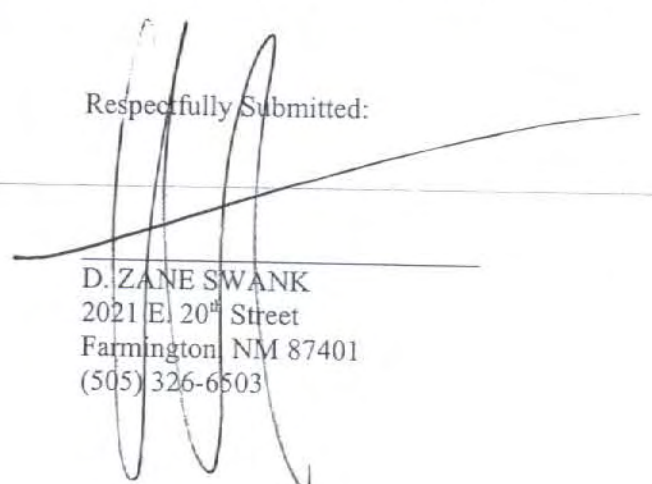
NO.: CN 2009-660-8

REQUEST FOR PRODUCTION

Plaintiff, by and through counsel, D. Zane Swank, in accordance with Rule of Civil Procedure 1-034, requests Respondent to produce either copies or originals so we may make photocopies there from of the following whether he has an individual or community interest:

1. All documents relating to the employment of the Plaintiff including the offer of employment, terms of employment and relevant Human Resource guidelines and policies effective during the term of employment.
2. All documents indicating the pay scale, duties, responsibilities, and job classification relating to the term of Plaintiff's employment.
3. Copy of each and every check, paystub, and/or payment history made to on behalf of the Plaintiff.
4. Each and every timecard and/or document which evidences the date, time worked, job location for Plaintiff

Respectfully Submitted:


D. ZANE SWANK
2021 E. 20th Street
Farmington, NM 87401
(505) 326-6503